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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

I hereby certify that this transmittal of the below described document is being deposited with the United States Postal Service in an envelope bearing First Class Postage and addressed to the Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450, on the below date of deposit.

Date of Deposit:	11/10/04	Name of Person Making the Deposit:	Shannon Carmo	Signature of the Person Making the Deposit:	<i>Shannon Carmo</i>
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In re Application of: THURGATE, et al.

Serial No.: 10/696,234

Examiner: TRAN, Mai Huong C

Filed: 10/28/2003

Art Unit: 2818

Conf: 5277

For: METHOD OF FORMING A DIELECTRIC SPACER IN A NON-VOLATILE MEMORY DEVICE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION/ELECTION REQUIREMENT**

1. Transmitted herewith is an amendment for this application

Transmitted herewith is a response to an office action/Restriction Requirement for the above  
...x... identified patent application.

( 9 sheets)

Transmitted herewith are sheets of substitute formal drawings.

Other:

2. Applicant is other than a small entity

**Extension of Term**

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

- (a) [ ] Applicant petitions for an extension of time under 37 C.F.R. 1.136  
(fees: 37 C.F.R. 1.17(a)-(d) for the total number of months checked below:)

<u>Extension</u>	<u>Fee</u>
[ ] one month	\$110.00
[ ] two months	\$410.00
[ ] three months	\$930.00
[ ] four months	\$1,450.00

**Fee \$ 110.00**

If an additional extension of time is required, please consider this a petition therefor.

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

### Fee Calculation

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

(for other than a small entity)					
Fee Items	Claims Remaining After Amendment	Highest Number of Claims Previously Paid For	Present Extra Claims	Fee Rate	Total
Total Claims	10	- 26 =	0	x \$18.00	\$0.00
Independent Claims	1	- 3 =	0	x \$84.00	\$0.00
Multiple Dependent Claim Fee (one or more, first added by this amendment)				\$260.00	\$0.00
<b>Total Fees</b>					<b>\$0.00</b>

### PAYMENT OF FEES

5. The full fee due in connection with this communication is provided as follows:
- ☒ The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No.: 23-0085.  
A duplicate copy of this authorization is enclosed.
- ☐ A check in the amount of \$0.00
- ☐ Charge any fees required or credit any overpayments associated with this filing to Deposit Account No.: 23-0085.

Please direct all correspondence concerning the above-identified application to the following address:

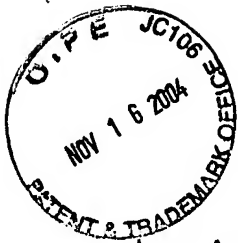
**WAGNER, MURABITO & HAO LLP**  
Two North Market Street, Third Floor  
San Jose, California 95113  
(408) 938-9060  
Customer No.: 45592

Respectfully submitted,

Date: November 10, 2004

By: Jose S. Garcia

Jose S. Garcia  
Reg. No. 43,628



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Thurgate et al.

Serial No. : 10/696,234

Group Art Unit: 2818

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Examiner: TRAN, M.

For : METHOD OF FORMING A DIELECTRIC SPACER IN A  
NON-VOLATILE MEMORY DEVICE

AMENDMENT AND RESPONSE TO RESTRICTION AND ELECTION  
REQUIREMENT

Commissioner for Patents  
P.O Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed 10/26/2004, please enter and consider the following amendments and arguments for the above captioned patent application.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 8 of this paper.